

MADISON COUNTY PLANNING

Memorandum

To: County Commissioners
From: Jim Jarvis, Planner
Date: September 3, 2008

Subject: Steering Committee Recommendation - South Boulder River Petition

Background:

On August 12, 2008 representatives from the Mammoth area presented a petition to the Board of County Commissioners requesting that the South Boulder River area be excluded from the planning area under consideration for streamside protection. The Commissioners asked the Streamside Protection Steering Committee to consider the request and recommend means of addressing the different drainages within the planning area.

On August 21, 2008 the streamside protection steering committee received and considered the petition, dated July 26, 2008, signed by sixty-two (62) landowners and interested citizens from the South Boulder River area. The petition asked the County to "reconsider inclusion of the South Boulder River area in the current streamside proposal including the setback discussion and resulting ordinance". Specific reasons cited in the body of the petition include:

- "The geographic and geological area and the makeup of the South Boulder River are entirely different than the Madison Valley Area and should not be considered in this proposal."
- "Without further scientific study, the South Boulder area should be withdrawn from the proposed ordinance and further discussion of setbacks."

In an undated, introductory attachment to the petition, signed by Catherine Ellerton on behalf of the South Boulder River Residents, additional concerns were raised including:

- "The Northern part of the County has not been included in the [steering committee] discussions."
- "...this new ordinance would be eliminating the ability of landowners to develop the land that they had bought and paid for."
- "...the South Boulder River drains into the Jefferson River [not the Madison River]"

At the August 21, 2008 committee meeting, another South Boulder River property owner raised the following concerns:

- The South Boulder River was not located east of the Tobacco Root Mountains, nor did it flow into the Madison River drainage.
- These geographical errors, relative to the planning area, justify removing the South Boulder River area from further consideration.

Steering Committee Discussion:

The steering committee discussed the proposal at length, covering a variety of topics. Arguments that the South Boulder River lacked sufficient scientific data, or failed to drain into the Madison River were not considered grounds to remove it from future discussion. The steering committee, principally, on the foundation that the South Boulder River is not east of the Tobacco Root Mountains agreed that the entire South Boulder River drainage should be excluded from the planning area. Knowledge that the South Boulder River area may have to deal with the issue of setbacks in the future was also brought forth. **The steering committee asked the planning staff to prepare and submit a formal request to the commissioner's office recommending modification of the planning area.**

Recommendation

It is recommended that the entire South Boulder River drainage be removed from the streamside protection planning area based on its location not being east of the Tobacco Root Mountains.